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## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who keeps us in the midst of dangers, shelter us from temptations. Keep us from the pride that encourages us to think of ourselves more highly than we are. Deliver us from the lethargy which delights too much in ease and comfort. Save us from procrastination, from refusing to face the unpleasant, and from analyzing things until it is too late to ever do them.

Protect us from losing heart and hope, and from the desire to lower our standards and to accept things as they are. Today, guide our lawmakers away from the temptations of criticism and faultfinding. Give them the strength to resist the weakness of thinking the worst of others. Empower each of us to fight every seduction that makes sin more attractive. Provide us with the purity to overcome evil with good. We pray in Your Holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the

first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, today following the time for the leaders, we will have a 60-minute period for morning business. Following that time, which will end at approximately 10:45 or so, we will return to the consideration of the Commerce-Justice-Science appropriations bill.

Last night, we reached consent for a vote in relation to the Stabenow amendment on interoperable communications, which will again be at 11 a.m. That vote will be on a motion to waive a budget point of order with respect to Senator STABENOW's amendment.

As I stated last night, we have been on this bill for 5 days now and we need to finish our work on this legislation today. The two managers have done a good job working with Members on their language and have been able to accept a number of amendments. There are others that we will need to vote upon and we will be scheduling those for today and into this evening.

We need to be prepared to go late into the evening, if necessary, to complete the Commerce-Justice-Science appropriations bill. I hope we can finish earlier, but if we do have votes on many of the remaining amendments and Members insist upon that, it will be necessary to work late.

The hearings on Judge Roberts continue today in the Judiciary Committee. We have tried to accommodate that schedule with the least number of

interruptions. However, we have to continue to get our work done on the Senate floor on these important appropriations bills.

I expect we will be voting throughout the day today and, as I mentioned, into the evening, to finish the Commerce-Justice-Science measure.

### THE SCOURGE OF METHAMPHETAMINE

Mr. FRIST. Mr. President, I take a few moments to comment on one aspect of the Commerce-Justice-Science appropriations bill. In doing so, I want to thank my colleagues on both sides of the aisle for their bipartisan cooperation in getting this bill done, which I believe we can do by tonight. The funding in this bill is critical to the functioning of our Government, and I expect it will pass with strong bipartisan support.

Before we cast a lot more votes, I do want to call everybody's attention to one particular aspect of this bill that has ramifications throughout each of our States that people are becoming more and more aware of but deserves a lot more attention, and this is the methamphetamine crisis that is raging all across this country.

As a physician, as well as a legislator, I am troubled by this growing meth crisis. As we travel across our States and look at the devastation that is caused by this particular drug and the making and manufacturing of this drug, we do need to act. In the last 10 years, meth has become America's No. 1 drug problem—before marijuana, cocaine, heroin, and any other drug.

In Tennessee, we have been particularly hard hit. In 2004, Tennessee ranked No. 2, tied with Iowa and behind Missouri, in the number of methamphetamine lab seizures. A good friend of mine, Sandy Mattice, who is a U.S. Attorney for the Eastern District of Tennessee, describes meth as "the worst stuff that we have seen." And it

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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has led to some of the worst, most disturbing cases of violence and abuse we have ever seen.

Last month, as I was traveling across Tennessee, I heard again and again from people from all walks of life about the devastating impact meth is having on the people of our State. I heard the stories about meth destroying individuals' lives and families' lives, how mothers and fathers who are addicts abuse their children or each other during the highs as well as the withdrawals from meth. We have heard again how addicts steal from their own parents or even their own children because they are so desperate for money to buy meth.

One Tennessee case was so horrific that it made national news and ultimately changed Tennessee law. In June of last year, authorities found 3-year-old Haley Spicer at her father's mobile home in Campbell County. Haley had been burned with cigarettes and scalded with hot water in a bathtub. The fumes in her meth-addicted father's meth lab were so toxic that Haley's eyelids had even melted shut. Haley had to undergo a number of surgeries to open her eyes. She faces a lot more in terms of surgeries and operations to rebuild and reconstruct her nose and repair her ear.

Haley's father, Tommy Joe Owens, has been convicted on three counts of aggravated child abuse and one count of neglect. Owens, who claims to have never hurt his daughter, faces up to 60 years on each count at a sentencing hearing next month.

His live-in girlfriend Charlotte Clai-borne pleaded no contest to the same charges and will likely be sentenced to 20 years. Haley's case was so disturbing that it led to swift and aggressive legislative action back in Tennessee. This August, the State legislature passed Haley's Law which drastically toughens the child abuse penalties. This was an important victory for the youngest victims of meth, but it addresses the problem after the fact, after meth has led to the violence. It is time for all of us to address what we can do to prevent this meth abuse.

Haley's father should be in jail for a long time, but we have to do more. Local law enforcement is crying out for our help.

Meth is highly addictive, and it is highly destructive as a substance. Users experience a powerful boost, described as more powerful than any other drug, three times the intensity of cocaine. The high lasts for longer, up to 8 hours. Users take hit after hit on sleepless binges that can last up to 2 and sometimes even 3 weeks. Once sucked in, many users find it impossible to climb out.

Take, for example, Lynn Noland, also of Tennessee. Lynn did not plan on becoming an addict, nor for that matter did she plan on becoming what she did, a drug dealer. It started 4 years ago when Lynn was a 36-year-old marketing executive and she tried her first

hit. One hit became an addiction and she quit her well-paying job and started trading meth ingredients to support her habit.

She would disguise herself as a farmer, put on overalls and put on a ball cap and stop by the co-op to be able to purchase ingredients undetected in an unsuspecting way.

Another dangerous aspect of meth is it can be cooked anywhere with store-bought ingredients. So it is very mobile. It is easy to make and it is hard to detect where it is made. Lynn started cooking the drug herself in caves, as she describes it, and in little sheds.

"I could not live without meth," she said. "I could not lift my head off the pillow to brush my teeth without it."

Eventually, Lynn was arrested. She lost custody of her children and ended up in a halfway house. Lynn was lucky. She was able to kick her habit. Most addicts need repeated episodes of rehabilitation. Many never succeed and many never survive. They die of severe burns from lab explosions. Some commit suicide. Some are killed by a spouse who is also addicted.

Meth leads to depression; it leads to psychosis; it leads to skin infections; it leads to high blood pressure; it leads to hepatitis C; it leads to kidney damage; it leads to severe tooth decay, to name a few. The list goes on. The greatest health risk of meth is the impact it has on the brain. It rewires the brain. Methamphetamine produces a huge rush of a chemical called dopamine in the brain, and that results in a huge surge, a euphoria that results from this increase in dopamine transmission.

Over time, however, this excess of dopamine destroys the transmission, the neurological linkage system, within the brain, and users experience an inability to have emotions or pleasure without more amphetamine coming into the system all the time. Eventually, in a pattern similar to Parkinson's disease, there are no terminals there—they are destroyed—which can release dopamine and users experience prolonged and often permanent depression.

Thus, the personal cost is staggering. The cost to the community at large is staggering. An estimated 12 million Americans have tried methamphetamine. It is estimated that about 1.5 million people are regular users. In many areas of the country, the medical costs for county jails have doubled because of meth. Last month, a colleague of mine at Vanderbilt, Dr. Jeffrey Guy, who is director of Vanderbilt Medical Center's burn unit, which is in Nashville, told *Newsweek*: I do not know if we will have a burn unit 5 to 10 years from now if Vanderbilt continues to take on the large burden of \$5 million to \$10 million per year in uncompensated care for patients burned in meth lab explosions.

Doctors estimate that treating burn victims exceeds about \$10,000 a day per patient, most of whom do not have health insurance. Meth abuse often

leads to violent crimes, including domestic violence, assaults, robberies, and burglaries. Local law enforcement is finding itself overwhelmed. Most rural police departments do not have the resources to deal with all of the problems brought forward by meth to deal with the lab explosions, the expensive toxic waste cleanup required when one goes in and removes these labs. Each pound of methamphetamine leaves behind 5 to 6 pounds of this toxic waste, and the cleanup involves dangerous exposure to our law enforcement officers engaged in removal of these labs.

A very effective way to stop the meth crisis is to restrict the ingredients that make up meth and to restrict it all across the country in all 50 States. Jerry Estes, a district attorney general in Tennessee, has seen a dramatic reduction in meth lab seizures since our State, Tennessee, passed the bill restricting access to cold medicines that serve as the ingredients for the manufacture of meth. North Carolina, however, has not adopted similar legislation. As a result, what has been found, at least in southeast Tennessee, is that people will simply cross the border to buy those ingredients and bring them back home. Thus, we need a uniform policy across this country.

Jerry tells me the single greatest impact we could have on reducing meth abuse is requiring all 50 States to restrict access to pseudoephedrine. That is what the Combat Meth Act does. It requires States to restrict access to all cold medicines containing meth precursors so that meth producers simply cannot shop and cruise from State to State.

In closing, I thank Senators TALENT and FEINSTEIN for taking the lead on this issue and for their hard work in getting the Combat Meth Act adopted as part of the appropriations process. The Combat Meth Act is a critical first step to defeating this ongoing crisis. I urge my colleagues to follow this issue very closely because this is not going to be the end of it. This is the No. 1 drug problem facing the people of our States today. We will be talking about it a lot more in the coming days and weeks. Meth is destroying individuals, it is destroying families, and it is destroying communities. We cannot tolerate that. America needs to put a stop to this growing health and moral crisis.

I yield the floor.

The PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. The majority leader, my colleague from Tennessee, speaks of methamphetamine. It is an enormous problem in this country, especially in rural States. I certainly appreciate the comments he has made today. It is something on which we must provide enormous focus. It is destroying lives. It is one of the most highly addictive drugs we know. You can cook methamphetamine virtually anywhere—an abandoned farmhouse.

You can buy the products from which you make methamphetamine, in many States, across the counter. This is a deadly drug causing havoc for so many people.

If you talk to law enforcement people about dealing with methamphetamine, they will tell you that when they arrest someone involved in methamphetamine, they don't quite know what they are going to get. These are people who can become the most enormously violent people in the world, or they can be passive. You don't quite know what you are going to find, what you are going to get. It contributes to substantial crime and destroys lives. I appreciate the comments of my colleague, the majority leader.

#### EMERGENCY PREPAREDNESS

Mr. DORGAN. Mr. President, I come to the floor to make a brief statement on something I know the majority leader and also the Democratic leader, Senator REID, have been speaking about in recent days, and that is the issue of the creation of an independent commission to evaluate exactly what kind of preparedness exists in this country and to evaluate this country's response to a natural disaster or to a terrorist attack.

It is important, it seems to me, in this case, to stare truth in the eye. We don't do that with fiscal policy. We don't stare truth in the eye with respect to trade policy. Both have the highest deficits in the history of the country at this point. There are many areas where we try to ignore what is going on, and we do so successfully, regrettably, much to the detriment of the future of this country. The question of what we do with disaster relief and disaster preparedness, preparedness to try to deal with a terrorist attack, is a different issue.

I noticed today in the newspapers and on television, the folks in New Orleans are beginning to clean up. Even as there remains the search for bodies and survivors, and so on, there are folks out sweeping the sidewalks in front of businesses, those businesses that have not been inundated with water. There are folks hauling away trash. There is a resiliency, a spirit that is irrepressible. Already people are starting to talk about their future, to clean up. So must we. So must we clean up and begin to repair.

None of this discussion should ever be about Republicans or Democrats. It is about success or failure. All of us looking truth in the eye must understand that the response by this country to what happened in the Gulf was a failure. Whose failure? I don't know. Perhaps the failure of all of us: Congress, the President, State and local officials—perhaps all of us. But I believe we ought to get to the bottom of it and evaluate how we change that which failed so miserably.

When you wake up this morning to the news that 34 people were left to die

in a nursing home—yes, in the United States of America 34 people were left to die in a nursing home at the advent of an oncoming hurricane and breached dike and flood—you ask the question, Is this really the United States? What on Earth could have happened? We need to find out.

I know some of the Members of Congress have talked about creating a special committee in Congress to look at it. All right. It doesn't substitute for an independent commission, in my judgment. The President talked about his investigation, and, that is fine. What we need, most of all—what we did with respect to 9/11 is an independent commission with the kind of authority and power to get to the bottom of what happened. Why? Because if we do not fix what went wrong and make it right, we will remain unprepared in the advent of a terrorist attack or another natural disaster.

This was, we think, the worst natural disaster in this country's history. It can happen again. But we know terrorists will want to commit a terrorist attack in this country. We know there are thousands of nuclear weapons that exist in this world. We know there are people worried about terrorists acquiring a nuclear weapon, detonating it in a trunk in a rusty Yugo sitting on a dock in one of America's major cities. What kind of response, what kind of disaster preparedness exists to deal with a terrorist attack?

I know why there are some who do not like independent commissions: you can't control them. You can't control information. You can't control direction. You lose control with an independent commission.

But we need an independent commission to investigate exactly what has happened, what went wrong at all levels, and try to evaluate how we put together a process that really does work, that represents the best of this country.

We know this country works. It has great ingenuity, great capability, but something happened that went wrong in a very significant way. This was a mess. It is not about blame, it is about accountability. Who is accountable? How are they accountable? How do we make them accountable?

So I believe we have a desperate need at this point to move quickly to put together an independent commission that can begin putting the pieces together. Even as the folks in New Orleans begin putting their city back together and cleaning up, so, too, should the President and Congress begin putting this together and cleaning up and evaluating it through the best work of some of the best minds in our country, some of the best people we can call on to serve on an independent commission to evaluate and investigate what went wrong and how do we, as a country, fix it.

#### ENERGY COSTS

Mr. DORGAN. Mr. President, there is one additional point I would like to make on legislation I have introduced. I notice the Energy Information Administration just released its short-term outlook. They forecast dramatic increases for residential energy costs this upcoming winter.

I come from North Dakota. We don't exactly have balmy weather in February and January, the middle of winter. We can sometimes have some pretty tough winters. It is a great State, but we have some tough winters. The ranges for heating fuel expenditures for natural gas in the Midwest, according to the EIA, are 69 to 70 percent increases in the winter in the Midwest.

We have a lot of folks who are going to have a devil of a time trying to pay these costs. I made the point before, and I know there are people in this Chamber who chafe at this, that the major integrated oil companies have gotten larger through mergers. They are much more powerful. They have the capability, working with others, to determine what happens in pricing and supply. We have OPEC people sitting around a table talking about pricing supplies. Then we have a futures market which is supposed to provide liquidity—which it does, but it provides much more than that nowadays. It is rampant speculation in spot markets. The result of that is the highest prices we have seen in this country.

Last year, the price of oil was \$34.50 a barrel—January 31, 2004. At that price the oil companies are making record profits. Now it is \$30 above that. That is \$7 billion a month in extra profit, \$80 billion on a yearly basis of extra profit. That, in my judgment, is unfair. Flowing through it is a 70-percent increase in natural gas prices to those trying to heat their homes, or flowing through the gas pump where you put in 15 gallons and pay \$52. That is unfair. I think there ought to be a windfall profits tax recapturing that windfall and using it in rebates to consumers. I don't begrudge anyone a fair profit, but this is not a fair market and I believe Congress should take some action. This issue existed long before Hurricane Katrina formed and hit this country, and I believe it behooves this Congress to address these issues, especially before we go into the winter heating season and the folks, particularly in the northern Great Plains and other States, are going to pay 70 percent increases—in some cases a price they simply cannot afford to pay for something as basic as heating their homes.

This Congress needs to act. I hope one of the actions will be to consider the legislation I have introduced.

I yield the floor and suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.